

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ORDER

In this case brought by a former inmate of the Charles Bass Correctional Complex, Magistrate Judge Bryant has entered a Report and Recommendation (“R & R”) (Docket Entry No. 82), recommending that Defendants’ *Motion for Summary Judgment* (Docket Entry No. 36) be granted and the case be dismissed with prejudice.¹

The R & R provides, in part,

. . . contrary to Green's claims, Green did not receive a materially worse punishment for his disciplinary violation when compared to punishment imposed upon inmate [David] Wallace. Moreover, there is no admissible evidence in this record to support the claims that Defendant Howard accepted bribes or "pay outs" from inmates subject to disciplinary proceedings, or that Defendant Simmons had knowledge of such practices.

Based upon the admissible evidence in this record, the undersigned Magistrate Judge finds that there is no genuine dispute as to any material fact and that Defendants Howard and Simmons are entitled to judgment as a matter of law.

For the reasons stated above, the undersigned Magistrate Judge recommends that the motion for summary judgment filed on behalf of Defendants Howard and Simmons be GRANTED, and that the complaint be dismissed with prejudice.

¹ The Court has already dismissed all claims except claims against Defendants Sheila Howard and Charles Simmons alleging violations of Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *See* (Docket Entry No. 11).

(Docket Entry No. 82 at 5-6). A response in opposition was filed to the R & R.²

Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R for the above-mentioned reasons of the Magistrate Judge.

Accordingly, the Court hereby rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 82) is hereby ACCEPTED and APPROVED;
- (2) Defendants' *Motion for Summary Judgment* (Docket Entry No. 36) is hereby GRANTED;
- (3) All other pending motions (Docket Entry Nos. 65, 67, 70, 74 and 77) are hereby TERMINATED as moot; and
- (4) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE

² Plaintiff's Response to Defendant's Motion for Summary Judgment was filed on March 20, 2014, more than ten (10) months after Defendant's motion was filed. See (Docket Entry No. 94). Pursuant to the Scheduling Order entered on April 29, 2013, all dispositive motions were to be filed by September 23, 2013, and responses were due by October 23, 2013. See (Docket Entry No. 34). Therefore, the Court will not consider Plaintiff's response because it is untimely.